

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

JASON TUCKER.

Plaintiff,

V.

STEVEN WOLFSON, et al,

Case No. 2:15-cv-01426-APG-VCF

Order Accepting Report and Recommendation

(Dkt. #5)

Defendants.

On November 9, 2015, Magistrate Judge Ferenbach entered his Report and Recommendation (Dkt. #5) recommending dismissal of plaintiff's third, fourth, and fifth claims with prejudice, and dismissal of plaintiff's first and second claims without prejudice and with leave to amend his complaint regarding those two claims. No objection has been filed to that Report and Recommendation. Thus, I am not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Ninth Circuit has confirmed that a district court is not required to review a magistrate judge's report and recommendation where no objection has been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) ("[T]he district judge must review the magistrate judge's findings and recommendations *de novo* if objection is made, but not otherwise."); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D.Ariz. 2003) (Based on *Thomas* and *Reyna-Tapia*, "district courts are not required to conduct any review at all . . . of any issue that is not the subject of an objection."). Because there is no objection to Judge Ferenbach's recommendation, I may accept it without review.

IT IS HEREBY ORDERED that the Report and Recommendation (**Dkt. #5**) is accepted. Plaintiff's third, fourth, and fifth claims are dismissed with prejudice. Plaintiff's first and second claims are dismissed without prejudice. By February 24, 2016, plaintiff may file an amended complaint repleading his first and second claims, if he can cure the defects discussed in Judge

1 Ferenbach's Report and Recommendation. If he fails to file an amended complaint by that date,
2 this case will be administratively closed.

3 Dated: January 25, 2016.



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5 ANDREW P. GORDON
6 UNITED STATES DISTRICT JUDGE
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